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ANNEX 3 – pp. 3-4 of First Office Action mailed Sept. 9, 2002

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Such means as disclosed includes a "batten substitute", and the specification states that "evolving technology will likely make possible batten substitute means...". Such is indication that the present invention has not been reduced to practice, and that one of ordinary skill in the art need "invent" such a batten substitute to make and/or use the present invention. *existing technology*

6. Claims 2 and 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, "such headsail" lacks antecedent basis in the claim(s).

Claims 7 and 12 lack a period, and their completeness is thereby in question.

In claim 7, "said headstay" lacks antecedent basis in the claim(s). *new claim*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action: *qud 102 a)*

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marechal.

Marechal teaches a vertically deployed sail attached to a mast. Battens are provided for sail control, and such is shaped as claimed. Marechal does not disclose provision of a forestay and

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forestay attached sail, however, such is considered to have been notoriously old and well known in the art, and provision of same would have been obvious to one of ordinary skill in the art at the time of the invention, providing no unexpected results.

*Head end is fore/aft
to port or starboard
An end plate 33 is provided. The material of construction and/or color is considered to have been an obvious design consideration.*

Head sail/end plate config & pos?

The relative size of the sail is considered to have been an obvious choice of design as well.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van Doren et al

Moessnang et al. teaches a batten reinforced semi-elliptical sail. - *Front and only*

10. Papers relating to this application may be submitted to Technology Center 3600 by facsimile transmission. The submission of such papers by facsimile transmission must comply with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Fax Center number is (703)-872-9326.

11. Any inquiry concerning this communication should be directed to Ed L. Swinehart whose telephone number is (703)-308-2566.

12. Any inquiry of a general nature or relating to the status of the application should be directed to the Technology Center 3600 receptionist whose telephone number is (703)-308-1113.

September 9, 2002

Ed L. Swinehart
Primary Examiner
Art Unit 3617